

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILLIE T. SMITH,

Plaintiff,

v.

AARON FORD, et al.,

Defendants.

Case No. 3:20-cv-0501-JAD-CLB

ORDER

This action began with a pro se civil rights complaint filed pursuant to 42 U.S.C. § 1983 by, Willie T. Smith, a state prisoner. Plaintiff has submitted an application to proceed *in forma pauperis*. ECF No. 1. Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on June 8, 2021. ECF No. 7. The Court has subsequently granted Plaintiff's motions to be excluded from Inmate Early Mediation. ECF Nos. 13, 20.

For the foregoing reasons, **THE COURT ORDERS** that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of the filing fee in full or part, or prepayment of any additional fees or costs, or the giving of security therefor.
2. This order granting leave to proceed *in forma pauperis* shall not extend to the issuance and/or service of subpoenas at government expense.
3. While Plaintiff is not required to pre-pay the filing fee in full or part, the full filing fee must still be paid by Plaintiff pursuant to 28 U.S.C. § 1915(b)(2). Accordingly, Plaintiff is required to make monthly payments of 20% of the preceding month's income credited to his account. The Nevada Department of Corrections shall determine and forward this monthly payment from the account of Plaintiff **WILLIE T. SMITH, #91949**, to

1 the Clerk of the United States District Court, District of Nevada, in each month that the
2 account balance exceeds \$10.00 until the full \$350.00 filing fee has been paid for this
3 action. The Clerk of the Court shall **SEND** a copy of this order to the Finance Division
4 of the Clerk's Office. The Clerk of the Court shall also **SEND** a copy of this order to the
5 attention of the Chief of Inmate Services for the Nevada Department of Corrections,
6 P.O. Box 7011, Carson City, NV 89702.

7 4. The Clerk of the Court shall electronically **SERVE** a copy of this order and
8 a copy of Plaintiff's complaint (ECF No. 8) on the Office of the Attorney General of the
9 State of Nevada by adding the Attorney General of the State of Nevada to the docket
10 sheet. This does not indicate acceptance of service.

11 5. Service must be perfected within 90 days from the date of this order
12 pursuant to Fed. R. Civ. P. 4(m).

13 6. Subject to the findings of the screening order (ECF No. 7), within 21 days
14 of the date of entry of this order, the Attorney General's Office shall file a notice advising
15 the Court and Plaintiff of: (a) the names of the defendants for whom it accepts service;
16 (b) the names of the defendants for whom it does not accept service, and (c) the names
17 of the defendants for whom it is filing the last-known-address information under seal.
18 As to any of the named defendants for whom the Attorney General's Office cannot
19 accept service, the Office shall file, under seal, but shall not serve the inmate Plaintiff
20 the last known addresses of those defendants for whom it has such information. If the
21 last known address of a defendant is a post office box, the Attorney General's Office
22 shall attempt to obtain and provide the last known physical address.

23 7. If service cannot be accepted for any named defendant, Plaintiff shall file a
24 motion identifying the unserved defendant, requesting issuance of a summons, and
25 specifying a full name and address for the defendant. For each defendant as to which
26 the Attorney General has not provided the defendant's last-known-address, Plaintiff
27 shall provide the full name and address for the defendant.
28

8. If the Attorney General accepts service of process for a named defendant, each such defendant shall file and serve an answer or other response to the complaint (ECF No. 8) within sixty (60) days from the date of this order.

10. This case is no longer stayed.

021. 
UNITED STATES MAGISTRATE JUDGE